

CALIFORNIA STATE COASTAL CONSERVANCY

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December 21, 1989

Peter Douglas, Executive Director
California Coastal Commission
631 Howard Street
San Francisco, CA 94105

Re: Black Tor Corporation
Application Nos. 5-89-161; 5-89-287
LASC No. C 729 877

Dear Mr. Douglas:

I am writing to respond the letter of October 25, 1989, to Pam Emerson of the Coastal Commission's Long Beach office, from Marvin Burns, representing Black Tor Corporation in the above referenced matters. I only this week received a copy of the letter and am concerned that it does not correctly reflect the nature of my statements to Mr. Burns, or the position of the Coastal Conservancy regarding the Chiate-Wildman vertical access easement referred to in Mr. Burns' letter. I understand that a permit application by Black Tor will be before the Commission in January and, without wishing to hinder the efforts of Black Tor and the Commission to address the access issue, I feel it is important to set the record straight.

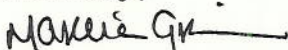
As Commission records will reflect, and members of your staff are aware, dedication of the Chiate-Wildman easements were required as conditions of a coastal development permit for the subdivision of property into the existing Wildman and Chiate parcels. In 1982, the Coastal Conservancy authorized the acceptance of both the vertical easement described in Mr. Burns' letter, and a twenty-five foot parking easement adjacent to Pacific Coast Highway on the Wildman parcel. After the State's Certificate of Acceptance was recorded on the vertical easement, Conservancy staff became aware of violations of both easements (fencing, landscaping and related improvements) that make the present use of these easements for their intended purposes physically impossible. Further action to complete acceptance of the parking easement, and plans for developing either or both, were held up pending a resolution of the violation. Conservancy staff has been involved in ongoing discussions with representatives of the Wildmans (most recently, Mr. Jonathan Horne) concerning the possibility for resolving these issues through relocation of the easements for some time now. In telephone conversations with me, Mr. Burns was advised of these efforts.

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However, at no time has any determination been made, either by the Coastal Conservancy or by myself, that the easements will not be enforced or developed. Our staff encouraged Mr. Burns to speak with Mr. Horne and to propose alternatives to the existing accessway, including those specific items described in Mr. Burns' letter, indicating that we would be willing to consider a proposal developed by them which would provide public access to the beach at an alternative location that was at least equivalent to the existing easement. I advised Mr. Burns that the decision to accept any such access improvement in settlement of the dispute between Black Tor and the Commission rests solely with the Commission. However, so long as the violations of the Chiate-Wildman easements remain unresolved, we cannot assure you of our ability to use any funds contributed by Black Tor to open those easements for public use in the immediate near term.

Conservancy staff remains willing to work with the Commission and interested landowners in developing access to this beach, either along the existing trail alignment or in an acceptable alternative location. Unfortunately, as Mr. Burns' letter attests, there do not appear to be any immediately viable alternatives to the Chiate-Wildman easements, development of which may be difficult because of (1) the need for the Wildmans to resolve violations of the easement by relocating improvements to their private home; and (2) the current lack of design engineering at the ocean end of the trail. The Conservancy has not taken any action as of this time to develop the accessway, but neither has any determination been made to abandon, relinquish or forego enforcement of the easements.

Sincerely,



Marcia Grimm
Staff Counsel

cc: Bill Allyaud
Marvin Burns
Jonathan Horne

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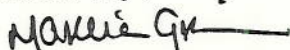
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